

January 7, 2008

Commissioners
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Commissioners:

On behalf of Americans with and without hearing disabilities, we hereby file a complaint against Sorenson Media (www.sorensonvrs.com) for its discriminatory distribution, use and maintenance of its videophones, as these are used for the purposes of accessing video relay services (VRS). We assert that Sorenson's practices are creating a negative impact on communication by Americans with hearing disabilities and hearing Americans wishing to communicate directly with Americans with hearing disabilities..

Several years ago, Sorenson patented the videophone model VP-100 for distance medicine. It then licensed a second company, D-Link (www.dlink.com), to market a different videophone model (model DVC-1000) to the public. Although both devices were designed for use over the Internet (which typically uses dynamic Internet Protocol (IP) addresses that change over time), individuals who acquired these devices were given pseudo phone numbers that linked, or were ported back to their IP addresses through a server located at the Sorenson headquarters in Salt Lake City, Utah. To make this feature even more popular, individuals using these devices were able to conveniently use their existing telephone numbers (distributed via the North American Numbering Plan) as their aliases for their IP addresses. This single server allowed individuals who used either of these devices to call each other directly by "dialing" easy numbers, eliminating the need to know each other's IP addresses.

At some point after designing its videophones, Sorenson learned about video relay services (VRS), a form of communication that allows individuals who use sign language to call each other over high speed Internet connections. To use VRS, an individual logs onto the website of a VRS provider, where he or she is connected with a sign language interpreter. Using a videophone or webcam, the individual can then make a call to anyone on the public switched telephone network, and have the interpreter speak what the caller signs and sign back responses by the recipient of the call. VRS has dramatically improved communication for deaf people who use sign language. Not only does this method of communication allow individuals to express emotion visually via relay services, but it permits real-time communication that both speeds up and naturalizes the flow of a conversation.

VRS is funded through telephone revenues paid by common carriers into a fund administered by the National Exchange Carriers Association (NECA), an entity

that is appointed by the Federal Communications Commission (FCC). Unfortunately, soon after Sorenson began providing VRS through its videophones, it changed the way that communication could take place between its two video devices – most likely to maximize revenues. Specifically, Sorenson created two separate servers – one for its VP-100¹ and another for the D-Link DVC-1000. Even though these devices were of the same design, this created unnecessary, inconvenient, ineffective, and confusing segregation between the two videophones. Now, the only way for these two devices to connect to each other is for callers using these devices to know each other's IP numbers; i.e., they cannot access each other using easy pseudo phone numbers. Unfortunately, because nearly all IP numbers are dynamic (they continually change), this means that in order to make a call from one device to the other, a caller first needs to contact his or her party via a telephone, e-mail, or pager, to ascertain that individual's current IP number before attempting the connection. This is a very difficult task because most individuals do not even know how to figure out what their IP addresses are. And even if the intended recipient to a call can figure out his or her IP address to pass along to the caller, that very same address could change again before the caller has a chance to attempt the connection. As a result, the change in Sorenson's policy – now in place for the past three years – has set up new communication barriers for consumers with and without hearing disabilities attempting to use these devices.

To make matters worse, rather than sell the videophone (VP-100 and 200), Sorenson screens applicants and determines to whom it will loan and service the product. Specifically, Sorenson has established the following criteria for receipt of one of its devices:

1. The recipient must have hearing disabilities and use sign language
2. The recipient may only receive one videophone per household; and
3. The recipient must not be a competitor (i.e. Unlike the practice of cell phone companies, many of which sell the same equipment for different carriers, Sorenson will not allow other VRS providers to distribute its equipment to their potential customers.)

There are also anecdotal reports of Sorenson requiring recipients of its phones to patronize its own video relay services in order to receive repairs on malfunctioning videophones or upgrades to these devices. This often places the job performance and quality of an individual's daily affairs at the mercy of Sorenson.

As result of the above practices, the following discriminatory practices and severe inconveniences have occurred:

¹ This is now also used for its next generation videophone, the VP-200.

1. Because only one videophone per household is provided, users are forced to run to the only room designated for their phone when a call comes in. This forces individuals to decide whether to have a videophone in the living room, kitchen, bedroom or office next to a computer. When a call does come in, answering it can entail crossing an entire house or climbing/descending stairs to reach the single videophone that has been provided. This can impose a serious hardship, especially in employment or emergency situations. For example, in one case, the failure to have a phone in multiple locations affected an individual's job performance because several times during a single call, he had to climb the stairs between the computer located in the office on his 2nd floor and the videophone in his family room on the 1st floor. In another case, an individual who was both deaf and paraplegic remained unable to use her phone when she was in her bedroom because the only phone that Sorenson agreed to provide her was the one that she set up in her living room. Despite her inability to get to her living room independently, her request for a second phone was denied. In both cases, the individuals in question were also not permitted by the company to purchase a videophone. These scenarios are played out over and over again in households where deaf individuals are aged or physically disabled in some way – even a sprained ankle can make getting to a phone across the house or up the stairs quite difficult, and sometimes impossible.

2. Because only one videophone per household is permitted, users may not be able to make 9-1-1 calls should there be a fire in the room where the sole videophone is located. Similarly, in the event that a person has a heart attack in a bedroom or some such emergency, being forced to walk or climb stairs to a room where the only videophone in the house is available to call for assistance could prove fatal.

3. Because Sorenson's videophones are limited to people with hearing disabilities, hearing people may not either borrow or purchase one of these devices. They are thus denied an equal opportunity to use these devices for direct visual communications with signing members of their family or their friends. More specifically, in many cases, hearing children and adults who can sign are being denied the ability to communicate directly with their deaf siblings, parents and children because they are forbidden to obtain the VP 100 or 200. They are instead forced to rely on video relay services for these communications, which unnecessarily adds to the costs that NECA must reimburse.

4. Even when hearing people purchase D-Links, they are unable to effectively use these devices to communicate directly with users of VP 100s and VP 200s. This is because the users of D-links and other video devices are blocked from accessing the pseudo telephone numbers given to Sorenson's VP customers, and because of the extreme difficulties involved in figuring out the dynamic IP addresses of the VP users. Specifically, video users would need considerable technical competence to acquire domain name systems or pay additional costs to

acquire static IP numbers (that is, if they are available), in order to communicate with Sorenson's customers. Because most people do not have these skills, direct communication between hearing and deaf callers (e.g. deaf parents and signing hearing children, signing hearing and deaf siblings; deaf people and hearing sign language interpreters, etc.) often cannot take place when only the deaf party to the call has a VP 100 or 200. Instead, these parties are forced to use VRS to communicate. Not only does this unnecessarily contribute to the shortage of sign language interpreters, but again, this results in unnecessarily increasing VRS use, with greater costs imposed on the Interstate TRS Fund. The costs of these extra calls are then passed on by the telephone companies to their customers, resulting in an increase in costs for telephone service for all Americans. Sorenson reaps the most from this arrangement, enjoying over 80 percent of the VRS market (while about ten other VRS providers share the remaining 20 percent). This results in high and unnecessary reimbursement dollars going to the very company that created the problem.

The above scenarios are not only unnecessary; in some cases they can be life-threatening. Accordingly, we request that the FCC adhere to its mission statement: "... to encourage competition in communications and to promote and support access for every American citizen to existing and advanced telecommunications services ...," by taking the following actions:

1. The Commission should direct Sorenson to make its videophones available to the public at a reasonable cost (by comparison, the D-Link DVC-1000 is available for \$199.00).
2. The Commission should require Sorenson to open up its closed numbering system, so that all callers regardless of their chosen provider and video equipment, can access VP 100 and VP 200 users without having to find out the IP address of their calling destination each time they make a call.

Sincerely,

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